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The revival could be started by one simple official order: "No direct discharge of any wastes into any watercourse."

There are those who will say that such a directive would be meaningless for practical purposes because alternate means of waste disposal either are not available or are far too expensive to contemplate. But the Federal Water Quality Administration of the U.S. Department of the Interior is gambling the biggest single project grant in its history on the conviction that a workable substitute for indiscriminate dumping into the lakes is at hand. FWQA is committed to spend \$2 million on the opening phase of a research project intended to demonstrate that sewage and factory effluent presently being poured into Lake Michigan can be diverted to fertilize barren land in Michigan. If all projections for the scheme prove out, this new waste disposal system will pay for itself and net a profit, perhaps even stimulate the economy of Michigan by building up an agro-industrial complex of respectable size.

Michigan's Muskegon County, fronting on the eastern shore of the lake directly opposite Milwaukee, is the scene of this precedent-setting experiment, which is built around acceptance of the principle that nature is a closed ecological system and that wastes, when properly cycled back into the system, are valuable resources. Wastes become liabilities only when they lose their rightful place in the cycle. Human and animal excrement, emptied into watercourses, stimulates aquatic plant growth and turns lakes into bogs. When spread upon the land, however, the same chemical constituents of waste give nutriment to food grains and vegetables.

Historically, the closed-system principle, though recognized by professional ecologists, has been ignored in practice in this country. We have dumped our wastes into rivers and lakes for generations. As long as the human population remained a statistically insignificant factor in the system, oxygen and bacteria in the water decomposed the waste and redistributed the chemicals in the purifying process. A certain amount of acceleration occurred in the rate of eutrophication (a geological process through which lakes gradually fill up and become first marshes and then dry land) but not enough to be distressing.

However, as cities and towns multiplied and grew and as household conveniences such as detergents were added to the burden of sewage, the amount of waste rose to flood proportions. Phosphorus, potassium, and nitrogen released into the water encouraged proliferation of colonies of plants to choke streams and lake beds, exhaust the oxygen supply, and overwhelm the restorative microorganisms. Idyllic watercourses deteriorated into stagnant, stinking pools.

William J. Bauer, founder of the Bauer Engineering Company of Chicago, Ill., proposed coupling of the sewage outlets of twelve cities and townships into one great outlet pipe that swung away from Lake Michigan, Muskegon Lake, Mona Lake, and White Lake—traditional sinks for the wastes in these communities—and fifteen miles inland to virtually uninhabited sandy barrens of the eastern part of the county. There the pipe would empty into three aerated lagoons, each covering eight acres. These manmade basins, agitated continually by streams of air from mechanical mixers to minimize odor while bacterial colonies in the waste matter decomposed their noxious, would be big enough to hold the waste flow up to three days. This would enable accommodation of sudden surges of water such as occur after storms. And, because of the volume of water contained at one time, toxic industrial spills could kill the restorative bacteria and yet remain under treatment long enough for a new bacterial colony to grow and do its necessary work.

The enormous advantage represented by the latter circumstance may not be widely appreciated because most people do not realize that the conventional sewage treatment system in use in most American communities suffers regular spalls during which the helpful bacteria are dead and the sewage simply passes through the system in an almost raw state. These spalls last anywhere from seven to ten days. If six of them happen each year (one Midwestern state suggests that as an average), almost raw sewage is dumped into watercourses about one day in every week.

The system . . . designed for Muskegon County called for two storage lagoons to hold the waste after it had passed through the aerating lagoons. Each of these storage receptacles would occupy 900 acres. Their purpose would be to hold the waste during the winter months when the ground would be too hardened by cold to absorb the effluent. After being withheld until the return of milder weather, the waste might be used as fertilizer during the remainder of the year. [The] system finally called for the effluent to be piped from the storage lagoons to rotary irrigation rigs, which would spray the liquid with its suspended solids over almost 6,000 acres of now unproductive but potentially valuable sandy soil.

One appendix to the plan estimated a profit of \$740,000 a year from sale of corn that could be grown on the irrigated fields, a quadrupling of the value of the land because of the irrigation, opening of at least 1,200 new jobs, recreational development of shorelines now useless because of uglification caused by water pollution, and construction of a 200-boat marina. Another appendix described a new industrial complex that might be built around the corn crop. Among its suggested products were feed for cattle, oil for the human diet, charcoal for use in Muskegon's existing paper mill, starch for the paper mill and for a foundry, carbon dioxide gas for a carbonate mill, calcium hydroxide for use on the irrigated land, and furfuryl alcohol for the finishing of office furniture.

Apart from its dollars and cents aspect, the Bauer system offered an intangible human bonus of inestimable value. This arises from a growing suspicion among public health physicians that many rapidly spreading diseases in this country are transmitted by viruses. How do the viruses travel? Their presence is not sought by any water quality tests now in use. Studies have been made of viruses in sewage, however, and thirteen different viruses have been found in raw sewage, in effluent from primary (one-step) sewage treatment plants, and in effluent from secondary (two-step) treatment plants as well. A month-long sequestration of the effluent in oxidation ponds kills 70 per cent of the viruses. But only after the effluent is filtered through soil do the viruses disappear altogether. Researchers have discovered that soil particles possess an electrical affinity for viruses, which allows the viruses to be grabbed by the soil and held long enough to be dismembered into innocuous protein.

Students of irrigation had one serious question about the Muskegon plan. It had to do with the established fact that elsewhere, in the past, prolonged irrigation saturated the land and created within it a mound of water that in time destroyed the enterprise. Because the thick layer of glacial debris—sands and gravel—underlying Muskegon County is incapable of holding water for long, the danger here was not great. Nevertheless, the . . . system eliminated it by providing a network of drainage wells through which any threatening accumulation of excess water could be pumped back into the county's rivers and lakes.

In mid-September U.S. Interior Secretary Walter J. Hickel announced that FWQA, which operates within his Cabinet jurisdic-

tion, had awarded a \$1,083,750 research and demonstration grant and an additional \$981,060 construction grant to the Muskegon project. These sums cover only the first year of a seven-year commitment. Secretary Hickel fixed the total cost at approximately \$30-million. Of this, the federal government which will pay 55 per cent, the state of Michigan 25 per cent, and Muskegon County the balance. Design specifications are now being prepared for bids. Construction will be awarded about January 1, 1971, and the system ought to be in operation in 1972.

"If this project is completely successful, there will be many more opportunities to utilize similar systems in the Great Lakes region," Secretary Hickel said in his September announcement. This is unquestionably true. The Great Lakes basin is made up of glacial outwash plains. Large stretches of well-drained soil suitable for irrigation lie within reach of urban centers but beyond commuting zones and thus are susceptible to purchase at unexploited farmland prices. If we take the Muskegon irrigation tract as a model, simple mathematics tells us that a billion gallons of waste water per day (that is the flow rate of Chicago's sewage disposal system, the largest in the country) can be disposed of on 260,000 acres of land. A preliminary survey of the major metropolitan areas in the United States suggests that all of them could be served in this manner by using marginal lands equivalent to no more than 2 percent of the acreage on which fifty-nine principal crops were harvested in 1968.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California (Mr. JOHNSON), that the House suspend the rules and pass the bill H.R. 19877, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill as amended was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE TO EXTEND

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

The SPEAKER pro tempore (Mr. Boggs). Is there objection to the request of the gentleman from California?

There was no objection.

#### CASE OF ANIMALS USED FOR RESEARCH

Mr. FOLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 19848) to amend the act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or hold for sale as pets, as amended.

The Clerk read as follows:

H.R. 19848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Animal Welfare Act of 1970".

Sec. 2. The first section of the Act of August 24, 1966 (Public Law 89-544; 80 Stat. 350), as amended, is amended to read as follows: "That, in order to protect the owners of animals, from the theft of their animals, to prevent the sale or use of animals which have been stolen, and to insure that certain animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treat-







ment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or in transporting, buying, or selling them for any such purpose or use."

Sec. 8. Section 2 of such Act is amended—

(1) in subsection (b) by striking the semicolon after the word "Agriculture" and inserting the following: "of the United States or his representative who shall be an employee of the United States Department of Agriculture";

(2) in subsection (c) by striking the words "commerce between any State," and inserting in lieu thereof the words "trade, traffic, commerce, transportation among the several States, or between any State,"

(3) by striking subsections (d), (e), (f), (g), and (h) and inserting in lieu thereof the following:

"(d) The term 'affecting commerce' means in commerce or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, exhibition, or held for sale as pets, by burdening or obstructing or substantially affecting commerce or the free flow of commerce;

"(e) The term 'research facility' means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals affecting commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments; *Provided*, That the Secretary may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Secretary) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Secretary, any such exemption does not vitiate the purpose of this Act;

"(f) The term 'dealer' means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells any animals whether alive or dead, affecting commerce, for research or teaching purposes or for exhibition purposes or for use as pets, but such term excludes any retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer;

"(g) The term 'animal' means any live or dead dog, cat, monkey, nonhuman primate mammal, guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; but such term excludes horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the utility of food or fiber; and

"(h) The term 'exhibitor' means any person (public or private) exhibiting any animal, which was purchased in commerce or is intended distribution of which were increased in commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and such term includes carnivals, circuses, and zoos exhibiting such animals whether operated for

profit or not; but such term excludes retail pet stores, organizations sponsoring and all persons participating in State and county fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary."

Sec. 4. Section 3 of such Act is amended—

(1) in the first sentence thereof after the words "licenses to dealers" by inserting the words "and exhibitors";

(2) in the first proviso thereof after the words "until the dealer" by inserting the words "or exhibitor";

(3) in the second proviso thereof after the words "That any" by inserting the words "retail pet store or other";

(4) in the second proviso thereof after the words "as a dealer" insert the words "or exhibitor"; and

(5) in the last sentence thereof after the words "As dealers" each time such words appear, insert the words "or exhibitors".

Sec. 5. Section 4 of such Act is amended to read as follows:

"Sec. 4. No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, affecting commerce, to any research facility or for exhibition or for use as a pet animal, or buy, sell, offer to buy or sell, transport or offer for transportation, affecting commerce, to or from another dealer or exhibitor under this Act any animal, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked."

Sec. 6. Section 5 of such Act is amended—

(1) by inserting after the words "No dealer" the words "or exhibitor"; and

(2) by inserting before the period at the end thereof the proviso: "Provided, That operators of auction sales subject to section 12 of this Act shall not be required to comply with the provisions of this section."

Sec. 7. Section 6 of such Act is amended by inserting after the words "research facility" the words "and every exhibitor not licensed under section 3 of this Act."

Sec. 8. Section 7 of such Act is amended—

(1) by inserting between the words "except" and "a person" the words "an operator of an auction sale subject to section 12 of this Act or"; and

(2) by inserting between the words "as a dealer" and "issued" the words "or exhibitor".

Sec. 9. Section 8 of such Act is amended—

(1) by inserting after the words "or experimentation" the words "or exhibition";

(2) by inserting between the words "except" and "a person" the words "an operator of an auction sale subject to section 12 of this Act or"; and

(3) by inserting between the words "as a dealer" and "issued" the words "or exhibitor".

Sec. 10. Section 9 of such Act is amended to read as follows:

"Sec. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, or an operator of an auction sale subject to section 12 of this Act, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, or an operator of an auction sale as well as of such person."

Sec. 11. Section 10 of such Act is amended to read as follows:

"Sec. 10. Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may pro-

scribe, upon forms supplied by the Secretary. Research facilities shall make and retain such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. Such records shall be made available at all reasonable times for inspection and copying by the Secretary."

Sec. 12. Section 11 of such Act is amended—

(1) by striking the words "dogs and cats" and inserting in lieu thereof the word "animals";

(2) by striking the words "in commerce by any dealer" and inserting in lieu thereof the words "affecting commerce, by a dealer or exhibitor"; and

(3) by striking the period at the end thereof and inserting the following: "Provided, That only live dogs and cats need be so marked or identified by a research facility."

Sec. 13. Section 12 of such Act is amended to read as follows:

"Sec. 12. The Secretary is authorized to promulgate humane standards and record-keeping requirements governing the purchase, handling, or sale of animals, affecting commerce, by dealers, research facilities, and exhibitors at auction sales and by the operators of such auction sales. The Secretary is also authorized to require the licensing of operators of auction sales where any dogs or cats are sold, affecting commerce, under such conditions as he may prescribe, and upon payment of such fee as prescribed by the Secretary under section 23 of this Act."

Sec. 14. Section 13 of such Act is amended to read as follows:

"Sec. 13. The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including the appropriate use of anesthetic, analgesic or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian of such research facilities, and separation by species when the Secretary finds such separation necessary for the humane handling, care, or treatment of animals. In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility: *Provided*, That the Secretary shall require, at least annually, every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, during experimentation are being followed by the research facility during actual research or experimentation."

Sec. 15. Section 14 of such Act is amended by adding at the end thereof the following new sentence: "Any department, agency, or instrumentality of the United States exhibiting animals shall comply with the standards promulgated by the Secretary under section 13."

Sec. 16. Section 15 of such Act is amended—

(1) in subsection (a) by striking the words "or experimentation" and inserting in lieu thereof the words "experimentation or exhibition"; and

(2) in subsection (b) by striking the word "effectuating" and inserting in lieu thereof the words "carrying out".





SEC. 17. Section 16 of such Act is amended to read as follows:

"Sec. 16. (a) The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, research facility, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provision of this Act or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and those records required to be kept pursuant to section 10 of any such dealer, exhibitor, research facility, or operator of an auction sale. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this Act or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, or (4) such animal is held by an operator of an auction sale.

"(b) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

"(c) For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914 (38 Stat. 721-723, as amended; 15 U.S.C. 40, 42, 48, and 50) (except paragraph (c) through (h) of section 8 and the last paragraph of section 9), and the provisions of Title II of the "Organized Crime Control Act of 1970" (62 Stat. 858; 18 U.S.C. 6001 *et seq.*), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this Act in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 9 and 10 of the Act of September 26, 1914, as amended, on the district courts of the United States, the United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in sections 19(b) and 20(b) of this Act."

SEC. 18. Section 17 of such Act is amended by striking the phrase "Issue rules and regulations requiring licensed dealers and research facilities" and inserting in lieu thereof the phrase "promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 12 of this Act".

SEC. 19. Section 18 of such Act is repealed.

SEC. 20. Section 19 of such Act is amended to read as follows:

"Sec. 19. (a) If the Secretary has reason to believe that any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provisions of this Act, or any of the rules or regulations or standards promulgated by the Secretary hereunder, he may make an order that such person shall cease and desist from continuing such violation, and if such person is licensed under this Act, the Secretary may also suspend such person's license temporarily, but not to exceed twenty-one days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify, or revoke such license, if such violation is determined to have occurred. Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who knowingly fails to obey a cease and desist order made by the Secretary under this section, shall be subject to a civil penalty of \$500 for each offense, and each day during which such failure continues, shall be deemed a separate offense.

"(b) Any dealer, exhibitor, or operator of an auction sale aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such an order, seek review of such order in the United States court of appeals for the circuit in which such person has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701-706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based.

"(c) Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both."

SEC. 21. Section 20 of such Act is amended—

(1) in subsection (a) by striking the words "rules or regulations" and inserting in lieu thereof the words "rules, regulations, or standards"; and

(2) by amending subsection (b) to read as follows:

"(b) Any research facility aggrieved by a final order of the Secretary, issued pursuant to subsection (a) of this Act, may within sixty days after entry of such order, seek review of such order in the United States court of appeals for the circuit in which such research facility has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701-706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based."

SEC. 22. Such Act is further amended by adding at the end thereof the following new section:

SEC. 25. Not later than March of each year following the enactment of the "Animal Welfare Act of 1970," the Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives a comprehensive and detailed written report with respect to—

"(1) the identification of all research facilities, exhibitors, and other persons and establishments licensed by the Secretary under section 8 and section 12 of this Act;

"(2) the nature and place of all investigations and inspections conducted by the Secretary under section 16 of this Act, and all reports received by the Secretary under section 13 of this Act; and

"(3) recommendations for legislation to improve the administration of this Act of any provisions thereof.

This report as well as any supporting documents, data, or findings shall not be released

to any other persons, non-Federal agencies, or organizations unless and until it has been made public by an appropriate committee of the Senate or the House of Representatives."

SEC. 23. The amendments made by this Act shall take effect one year after the date of enactment of this Act, except for the amendments to sections 16, 17, 19, and 20 of the Act of August 24, 1968, which shall become effective thirty days after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mrs. MAY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington (Mr. FOLEY) will be recognized for 20 minutes and the gentlewoman from Washington (Mrs. MAY) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, the Agriculture Committee brings to the floor this afternoon what we consider to be a major step forward in the protection of animal welfare in the United States. This follows the landmark legislation passed in 1968 by the 89th Congress, but it expands considerably on that legislation in four areas.

First, the bill expands the definition of the term "animal" to include additional species. At present the act applies only to live dogs, cats, rabbits, hamsters, guinea pigs, and nonhuman primate mammals.

This bill, within its definition includes all warmblooded animals designated by the Secretary, with certain specific limitations and defined exceptions.

Second, the bill regulates more individuals and organizations which handle live animals, and will bring into the framework of the legislation for the first time exhibitors such as circuses, zoos, carnivals, road shows, and wholesale pet dealers.

Third, the bill establishes by law the humane ethic that animals should be accorded the basic creature comforts of adequate housing, ample food and water, reasonable handling, decent sanitation, sufficient ventilation, shelter from extremes of weather and temperature, and adequate veterinary care including the appropriate use of pain-killing drugs, including the appropriate use of analgesics and tranquilizing drugs. The bill specifically guarantees the absolute authority of the research institutions to conduct research experiments so that the enlightened leadership of the United States in the medical and scientific research field will not in any way be diminished.

Fourth, the bill strengthens the Secretary of Agriculture's enforcement authority by broadening the statutory concept of "commerce," and by increasing the penalties against persons convicted of interfering with, assaulting, or killing Government inspectors, and by broadening the discovery procedures for obtaining adequate information to sustain proper administration.







Mr. Speaker, this bill is the result of months of difficult legislative effort. It involved in its early stages great controversy. It was a bill that many thought could never reach this floor. However, because of the exceptional cooperation of persons of good will and devotion not only to the cause of animal welfare, but to the advancement of scientific research and knowledge, this bill has the substantial support of the medical research community, the pharmaceutical industry, other industrial organizations, and the many organizations and individuals directly concerned with animal welfare.

Mr. Speaker, the Subcommittee on Livestock and Grains of the Committee on Agriculture held many hearings and other meetings in attempting to bring this bill to fruition.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Iowa.

Mr. GROSS. Would the gentleman from Washington be good enough to refresh my memory as to other legislation on this general subject? Did not that legislation come from the Committee on Interstate and Foreign Commerce and is not the enforcement of that legislation fixed in some other department or agency of the Government?

Mr. FOLEY. I will say to the gentleman from Iowa that the jurisdiction over this legislation and its predecessor legislation in the other body is in the Committee on Commerce, but in the House the jurisdiction lies in the Committee on Agriculture.

In 1966, the predecessor legislation was reported by the Committee on Agriculture to the House and the enforcement lies with the Department of Agriculture.

Mr. GROSS. Did not the House pass legislation on the subject of humane treatment of animals?

Mr. FOLEY. Yes, we passed legislation in the 89th Congress, in 1966.

Mr. GROSS. Was that not enacted into law?

Mr. FOLEY. It was enacted into law and this bill would extend and expand upon that basic legislation.

Mr. GROSS. But the enforcement is not lodged, or is it lodged in the Department of Agriculture?

Mr. FOLEY. It is lodged in the U.S. Department of Agriculture. The existing law which was passed in 1966 is enforced now by the Department of Agriculture.

Mr. GROSS. Is this law to be combined with the enforcement of the other law and to become a part thereof, or if enacted what might amount to another remedy for the enforcement of this law?

Mr. FOLEY. No. The enforcement of this law will be conducted by the same department of Government and by the same sector of that department as administers the present law.

Mr. GROSS. What has been the expenditure annually for the enforcement of the other law?

Mr. FOLEY. The present annual estimated expenditure is around \$350,000 per annum, plus \$24,000—

Mr. GROSS. For this bill that is before today, is that right?

Mr. FOLEY. No. For the existing law.

Mr. GROSS. This bill would add an estimated \$1.2 million to the cost of the program, is that right? \$1.2 million?

Mr. FOLEY. That is correct.

Mr. GROSS. What did the gentleman say had been the prior cost for the legislation?

Mr. FOLEY. In fiscal year 1970—\$352,600.

Mr. GROSS. Is this not going up pretty fast on the administrative side, and on the enforcement side?

Mr. FOLEY. The existing law provides protection of live dogs and cats, and other live animals from theft and sale to research laboratories, and provides humane treatment of animals used in research. This bill goes farther in extending the number of animals that are covered, and expands the type of protection that is offered under the regulations, as well as the organizations and individuals which are to be regulated.

For example, as I mentioned earlier, for the first time wholesale pet dealers, road shows, zoos, circuses, and animal exhibits, with some exceptions are covered, and it provides responsibility for adequate ventilation, care and humane treatment that the present law does not require of those agencies or exhibitors.

Mr. GROSS. Am I correctly informed that the Department of Agriculture is not very enthusiastic about this bill?

Mr. FOLEY. The Department of Agriculture supported the legislation with some reservations, as the gentleman will find in the report.

Mr. GROSS. I thank the gentleman.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, the bill provides in certain parts that animals should be given tranquilizers under certain circumstances?

Mr. FOLEY. Yes, the bill does mandate adequate veterinarian care, including the use of analgesics and tranquilizing drugs, but it does preserve complete control of the research institutions with respect to the use of analgesics or tranquilizing drugs. In other words, Congress imposes an ethic of adequate veterinary care including appropriate use of pain-relieving drugs but the decisions are exclusively in the hands of the research institutions, and their judgments are final.

Mr. ECKHARDT. Will the gentleman yield further?

Mr. FOLEY. I yield further to the gentleman.

Mr. ECKHARDT. Do I understand correctly that with respect to this business about interference with research matters that—and I believe it is in section 13, where research organizations were taken out, but still there is provision for inspectors to go into research institutions to find out what is happening under section—what it is—section 17—where the present law is changed to remove the restriction with respect to inspection?

Mr. FOLEY. I just think I can quote the gentleman from the bill itself. Page 9 of the bill, line 17, where it states:

Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility. . . .

Mr. ECKHARDT. But still in section—I believe it is section 17—that originally the law provided that there should not be any such inspections by the Department in the research institutions, and that section was taken out because you say section 13 includes the problem?

Mr. FOLEY. Yes.

Mr. ECKHARDT. But does it really? May not the research institutions be subject to entry and inspection to see if they are engaged in wrongful activities, or should it not be in both places?

Mr. FOLEY. Well, I quote to the gentleman again—it is true that the Secretary and his designated agents may go into a research facility, but they may not interfere in any way with the conduct of an actual research experiment.

The language of the bill is quite specific in stating in the report its intent.

Second, in regard to the amendment to section 13 of the act, it is the intention of the committee that the Secretary neither directly nor indirectly in any manner interfere with or harass research facilities during the conduct of actual research and experimentation. The important determination of when an animal is in actual research is left to the research facility itself.

Mr. ECKHARDT. I understand that, but if that be true, why should they go into the laboratory at all?

Mr. FOLEY. In order to inspect the records of the purchase of the animals by the laboratory to insure that the animals are being purchased in accordance with the law.

They can also raise questions about the animals that are not in actual research concerning their housing and husbandry by the laboratory.

Mr. ECKHARDT. I am in wholehearted agreement with the general purposes of the bill, but I simply have some reservations that we may well be going too far in protecting animals like walking horses and the giving of analgesics to animals and we are not dealing with some rather more important issues.

Mr. FOLEY. I may tell the gentleman that the committee went into this in great detail and tried to write language as strong as possible to make it clear that it is not the intent in any way to override the exclusive and sole discretion of the research facility in the conduct of experiments and the use of analgesics and tranquilizing drugs on animals in laboratories for experimentation purposes.

I think the concerns of the laboratory community and the medical research community of this country have been largely removed by the bill's language and the committee's intent as printed in the report which I referred to a moment ago.

I can assure you that there were many serious expressions of concern by the research community earlier, and I think that with few exceptions they have been removed.

Mr. MELCHER. Mr. Speaker, will the gentleman yield?





Mr. FOLEY. I yield to the gentleman.

Mr. MELCHER. To further clarify the point raised by our colleague from Texas, I might add that the bill directs the Department to send their people in to investigate the proper husbandry of animals under experimentation, which is something new in the bill. But also the bill does clarify the point that they will not interfere with any of the experimentation processes going on—but the husbandry must be up to acceptable standards.

Mr. FOLEY. I thank the gentleman.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman.

Mr. LOWENSTEIN. I simply wanted to assure the gentleman from Texas that some of the concerns that he expressed were considered very carefully in the subcommittee and were taken into account. And also I would assure the gentleman that in my judgment the work of the gentleman from Washington who is now in the well and, in fact, of the whole subcommittee, the chairman included, was quite remarkably diligent in guarding against some of the evils he spoke about.

I want to commend the gentleman in the well for his efforts in behalf of this bill.

Mr. FOLEY. I thank the gentleman from New York.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I commend the gentleman in the well, Mr. FOLEY, and other members of this subcommittee, for the hard work done on this bill.

I rise in support of the Animal Welfare Act of 1970 as reported by the Committee on Agriculture. I was fortunate to have been able to study this bill since it was originally introduced and reported to the Subcommittee on Livestock and Grains on which I serve. The subcommittee spent many days of hearings and debating the merits of this legislation and the changes that need to be made in the present law to further protect warm-blooded animals.

H.R. 19846 has strong bipartisan support and represents a compromise over several proposals presented to the committee. The important point to be made is that we are not tying the hands of researchers who are working with animals daily to unlock the secrets of dread diseases. Rather, we are just strengthening the provisions of the 1966 act which require these researchers to give the animals they are using the most humane and kindly treatment possible.

This bill extends coverage to more types of animals and also makes the humane requirements applicable to exhibitors of animals. I consider this a very important provision, and one that is needed.

Another provision which has my wholehearted support would allow employees of the Department of Agriculture to make spot inspections to ascertain if the requirements of the legislation are being met.

All in all, Mr. Speaker, we have a bill to protect the welfare of warmblooded animals and at the same time allow for the continued use of these animals for research programs in a humane manner. I urge my colleagues to suspend the rules and pass the Animal Welfare Act of 1970.

Mr. FOLEY. Mr. Speaker, I would like to report to the House that both the subcommittee and the full Committee on Agriculture reported this bill unanimously.

Mr. Speaker, before I leave the well, I want to pay tribute to all of those outside of the committee in this House who have labored so long and arduously to make this legislation possible. Certainly there are many people, too many to name, representatives of the pharmaceutical community and the research community, and many, many members of organizations committed to a very deep concern for animal welfare, who can be very proud of their constructive efforts in this legislative result.

I must mention one name in particular, however. A very distinguished lady, Mrs. Roger Stevens, the wife of the former Chairman of the National Council on the Arts, has devoted many, many months of work in behalf of this legislation. Her knowledge of the legislative process, her concern for animal welfare, and her determined effort to make this bill a reality has been absolutely indispensable. I know, frankly, without her devoted service and effort we could not possibly have a bill to report to this House this afternoon. She is, herself, the daughter of a noted American scientist, and she has with her intense concern for animal welfare a compatible commitment to the advancement of medical and scientific knowledge.

She held the key role in developing an effective bill which could be enacted, as I believe we shall enact this bill today. I would not like to leave the well of the House without paying special tribute to her efforts for which all who support this legislation owe special gratitude.

I reserve the balance of my time.

Mrs. MAY. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. MAY asked and was given permission to revise and extend her remarks and to include extraneous matter.)

Mrs. MAY. Mr. Speaker, I rise in support of H.R. 19846, the Animal Welfare Act of 1970.

As a sponsor of the original "cat and dog" bill passed in 1966, I am pleased that this expansion and strengthening of the law can be acted upon before we adjourn. I worked with my colleagues on our House Agriculture Committee to draft the original bill, and am glad to have had the opportunity to help shape this one.

Basically, the legislation amends the act of August 24, 1966, relating to the care of animals used for purposes of research experimentation, exhibition, or held for sale as pets. This bill strengthens the administration of that act, and it expands the perimeters of its protection to more animals and to more people who handle, exhibit, buy or sell, or transport them or who use them in the pursuit of medical and scientific knowledge.

As is pointed out in our committee's report on this bill, H.R. 19846 is the result of careful consideration by our Livestock and Grains Subcommittee and our full Committee on Agriculture. It is an effort to demonstrate America's humanity to lesser creatures while maintaining and promoting the national enlightenment in medicine for the care of all mankind. It is a bill which initially was controversial, but which by virtue of good reason and good will and deliberation and discussion by many persons of divergent views, was able to command the unanimous approval of the Committee on Agriculture as well as the joint sponsorship of the entire membership of the Livestock and Grains Subcommittee on which I have the honor of serving as ranking minority member. I know this measure enjoys broad, bipartisan support in this Chamber, as well.

Briefly, the bill goes to four basic points:

First, it expands the definition of the term "animal" to include more species. The present law applies only to live dogs, cats, rabbits, hamsters, guinea pigs, and monkeys. All warmblooded animals designated by the Secretary of Agriculture, with limited exceptions, would be included.

Second, it regulates more people who handle animals, such as circuses, zoos, and wholesale pet dealers.

Third, it establishes by law the humane ethic that animals should be accorded the basic creature comforts of adequate housing, ample food and water, reasonable handling, decent sanitation, sufficient ventilation, shelter from extremes of weather and temperature, and adequate veterinary care—including the appropriate use of pain-killing drugs.

And, fourth, it strengthens the Secretary of Agriculture's enforcement powers under the act broadening the statutory concept of "commerce," by increasing the penalties against persons convicted of interfering with Government inspectors, and by broadening the discovery procedures for obtaining adequate information to sustain proper administration.

I believe this is a good bill, as we have drafted it, and circumstances have demonstrated that it is a necessary one. While it provides additional needed safeguards for the protection and humane treatment of animals, it preserves the domain of the medical community and in no way authorizes the disruption or interference with scientific research or experimentation. It reaffirms our congressional commitment to proper treatment of all animals, and restates our conviction that the work that is done behind that laboratory door should be done with compassion and with care.

I urge my colleagues to approve this legislation.

I include in the RECORD a copy of an article entitled "More Legal Protection on the Way for Animals Behind Bars" by Ann Cottrell Free, published recently in the Washington Star, which contains a great deal of the background of the development of this legislation, as well as tributes to Mrs. Stevens and others who have had so much to do with the development of the bill that is before us:





December 7, 1970

## CONGRESSIONAL RECORD — HOUSE

40157

[From the Washington Sunday Star,  
Dec. 6, 1970]

**MORE LEGAL PROTECTION ON THE WAY FOR  
ANIMALS BEHIND BARS**  
(By Ann Cottrell Free)

The idea behind the proposed Animal Welfare Act of 1970 has been a long time coming into its own—it has been an uphill fight, often resisted by powerful forces—but it looks now as if it may come to a final vote in the closing hours of the 91st Congress.

Its passage will be a tribute to a deepened Congressional ecological conscience. More and more members of Congress are realizing that all living creatures must be treated with decency and respect—regardless of whether they are endangered species roaming in the wild or animals doomed to spend dreary lives behind bars in laboratories or zoos.

There can be little doubt that the passage of the Endangered Species Act one year ago this month and the emphasis in the past year on man's relationship with the earth and all its creatures have had a profound effect on congressional thinking.

The new legislation—which has so many sponsors that this sentence would be consumed by listing them all—has its roots in proposals first made exactly 10 years ago, in 1960. Soon after the 1958 passage of the Federal Humane Slaughter law, humanitarians started laying congressional groundwork to bring some measure of federal supervision over the care and treatment of laboratory animals.

#### HUMANITARIANS

The well-funded research explosion was using an unprecedented number of dogs, cats, rodents, primates and a variety of other creatures. Estimates have gone as high as 800 million annually. They were often obtained from questionable sources and treated with less care than the most expendable test tube.

Those persons, who worked for setting standards of care were immediately called anti-vivisectionists or branded as "humanitarians" by some members of the scientific community. In truth, they were violently opposed by the antivivisectionists, who were working for total abolition of animal use.

Though a number of bills were introduced during those years, they went nowhere. In desperation, humane organizations tried new approaches and often fell to quarreling among themselves as to bill content and strategy. (Most of the bills gave supervisory authority to Health, Education and Welfare.)

But 1966 brought the beginning of a breakthrough. Researchers' demands for dogs and cats had grown so great that unprincipled dealers turned to stealing pets. Their boldness and carelessness trapped them.

As more and more "pet-napping" cases turned up, there came to Congress also descriptions of stomach-turning conditions within dealers' compounds. Eyewitnesses told of seeing dead and dying dogs mixed in with live ones in conditions of indescribable filth. Such testimony about this \$30 million business prompted passage of the Laboratory Animal Welfare Act of 1966. This legislation had more than 50 sponsors.

Administration of the act was given to the animal health division of the Department of Agriculture's Research Service. Dealers and purchasers were licensed and required to conform to Agriculture's standards of human treatment of dogs, cats, hamsters, primates, rabbits and guinea pigs.

More than 110 dealers went out of business during the first three years of the program. Licenses of some of the larger dealers have been revoked. Agents have been cursed, threatened and shot at. But even so, the act did not go far enough. There were huge loopholes, and it has been handicapped by lack of funds to employ more inspectors—most of whom are veterinarians and have many other Agriculture Department duties within the states where they are stationed.

Though the act has no authority over care of animals actually being used in research, some institutions have declared the animals "in research" on the moment of arrival. This clearly frustrates the intent of the act to improve conditions of the animals while awaiting research.

More federal authority was needed. In 1968 help came from an unexpected source. A 43-year-old GOP freshman representative from Norfolk, Va., introduced legislation that filled the bill. Rep. G. William Whitehurst would extend the mantle of enlightened care to animals actually undergoing research. But what's more, he asked that the same standards apply to animals in circuses, zoos and the pet trade.

Humanitarians soon learned that it was not only Bill Whitehurst they had to thank, but his wife, Jeanette. "I told the people at the Norfolk SPCA, where I have helped with humane education, that I'd try to lend a hand when we got to Washington," she said the other day.

Whitehurst's bill actually was a beefing up of the "pet-napping" Act and was referred to the House Agriculture Committee, whose chairman has repeatedly shown himself a friend of animals. Texan W. R. Poage has been the key man on the House side on both the humane slaughter and "pet-napping" bills.

Testimony, presented this June before Rep. Graham Purcell's subcommittee, lifted once again the curtain of secrecy on unspeakable conditions among the creatures that perform, amuse and give their lives to man.

"We, who worked there, were always pained when some animal died to be out of a miserable life," said June W. Badger of Middleburg, Va. She told the committee of conditions in some of the circuses and zoos for which she had worked in the last 19 years. Cramped, unventilated cages, starvation, sadistic punishments. A litany of misery.

The arrival from South and Central America and shipment to pet wholesalers of crates of birds and monkeys were described by Mrs. Christine Stevens.

She is the wife of Roger Stevens, president of the Kennedy Center for the Performing Arts and the government's former cultural chief. Mrs. Stevens is president of the Animal Welfare Institute and secretary of the Society for Animal Protective Legislation.

#### IMPORTED ANIMALS

She described wretched conditions of animals that Custom Inspectors have overlooked. ("They are charged with checking on condition of imported animals.") She told of continued conditions of cramped laboratory housing and of the inhumane environment in many municipal and roadside zoos. Quoting Dr. Desmond Morris, author of the "Naked Ape," she said, "If zoos are to survive the 20th century, they will have to reform." She introduced into the record a letter in behalf of the Whitehurst bill from Virginia McKenna and Bill Travers, stars of the film "Born Free" and patrons of the Captive Animals Protection Society.

The arrival of dogs and cats at animal auction sales was described by Frank McMahon, field director of the Humane Society of the United States. "I've seen them chained within the trunks of cars. I've seen them jammed in crates and cages. I've seen them sold by the pound." Humane agents of local societies are given rough treatment, he said and under the existing federal law these auctions are exempt from regulation.

The legislation now speeding toward the congressional deadline embodies many of the suggestions made by the men and women who know the problem first hand. Auctions are included. Animal categories have been broadened. Fines for resisting agents have been stiffened. But most important, the Agriculture Committee called for the use of

appropriate pain-killers for research animals whenever possible.

(When Agriculture sets the standards for humane handling many humanitarians trust that life-time caging of such research animals as dogs will be eliminated.)

Some of the additions to the Whitehurst bill were called for in bills introduced by Rep. Thomas S. Foley, D-Wash., and in the Senate by Warren Magnuson, D-Wash., Alan Cranston, D-Calif., and William G. Spong, D-Va. When the bill was favorably discharged from the House Agriculture Committee, it bore the name of each member. An exact copy was introduced in the Senate by Robert J. Dole, R-Kan. Hearings by Senator Philip A. Hart's Commerce sub-committee are expected any day.

Even with the evaporation of much of the scientific community's opposition to lab animal legislation and even with the good chance that this measure will miraculously pass this session, there are other hurdles. One is money.

The burden on the Department of Agriculture will be heavier, making necessary the employment of more inspectors. These men, also, have the added duty in coming years of policing the horse shows to see that no "walking horse" brought across state lines has been "sored" to make it step high, wide and handsome. The famous Tydings "walking horse" bill is now awaiting Presidential signature. Sen. Joseph Tydings, D-Md., sponsored it in this session of Congress.

As this session adjourns, left at the post are at least 10 other animal protection measures: air transportation regulations, cessation of shooting wolves and other animals from airplanes over federal lands, elimination of use of agonizing poisons in the government's predator control programs, better conditions at the ports of entry such as Miami. The list is long—but the abuse and suffering have gone on a long time, too.

But at last, what has been described as the "silent lobby" has found its voice. Or could it be that man, for a change, is listening to voices other than his own?

Mr. KLEPPE. Mr. Speaker, will the gentlewoman yield?

Mrs. MAY. I yield to the gentleman from North Dakota, a member of the committee.

Mr. KLEPPE. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, there was a point in time, when we started hearings on this legislation, when it looked as if we would probably never get together, but I want to compliment the gentleman from Washington for his explanation and the gentlewoman from Washington for her remarks, as well as all other members of the committee for working on this very controversial piece of legislation.

Mr. Speaker, the legislation before us today represents the best possible approach by the House Agriculture Committee, the Department of Agriculture, and interested individuals, to the protection of animals.

The proposal, H.R. 19846, expands the definition of the term "animal" to include any live or dead dog, cat, monkey, guinea pig, hamster, rabbit, or such other warmblooded animal, that the Secretary of Agriculture may determine is being used for research, experimentation, or for exhibition purposes, or as a pet. The bill also regulates those individuals handling animals, including wholesale pet dealers, circuses, zoos, carnivals, and road shows.

The bill establishes by law the humane ethic that animals should be given basic creature comforts of adequate housing,











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that while animals are undergoing actual research or experimentation the decision with respect to appropriate use of anesthetic analgesic, or tranquilizing drugs would rest exclusively with the attending veterinarian of such research facility, and that any standards or guidelines promulgated by the Department of Agriculture could be disregarded by the research facility if in its opinion these guidelines were not proper under existing circumstances and research requirements. Further, that the research facility veterinarian would not be required by the Secretary to justify or defend his decision not to employ these agents if inconsistent with or contrary to standards recommended by the Secretary. I would ask the distinguished gentleman from Washington (Mr. FOLEY), if his understanding of the committee intent is the same as that which I have just stated.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MAYNE. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. The gentleman has stated the intent of the committee exactly. The statement the gentleman has just made is the intention of the committee in its reporting of this bill to the House for consideration.

Mr. MAYNE. With that assurance from the distinguished gentleman I am happy to renew my support of this very important and salutary legislation. I urge all Members to vote "yea" in support of the bill.

Mr. MIZELL. Mr. Speaker, I rise today in support of H.R. 19846, the Animal Welfare Act of 1970.

This legislation has been a focal point of concern among animal lovers throughout the Nation for some time. I have received dozens of letters from citizens within my own district and from other interested parties seeking my support for this measure.

If ever there was a piece of legislation considered by this body that deserved the support of all of its Members, this bill must be the one.

I have received correspondence from university professors, attorneys, pharmacists, veterinarians and other professionals interested in this legislation. But a housewife from Thomasville, N.C. wrote one of the most convincing of all the letters I received.

She said:

I realize there are many weighty problems facing you these days, from busing of school children to the Vietnam war. It seems that with all the other pleas these days for so many concerns, the animals just go on suffering needlessly because they can't speak for themselves.

Certainly, we are faced with grave and important issues today—the issue of war and peace, of economics, of racial discord, of rampant crime—but I believe they could all be solved if we would all simply apply a greater measure of humanity in our relations with one another.

And just as certainly, that humanity should be extended to all of the creatures with whom we share this planet. These animals bring us great pleasure, and ask for nothing in return. Surely we can see that to return pain for pleasure, even to animals, makes us all a little less

humanitarian, and this we cannot afford, especially at a time when humanitarianism is in such short supply.

This bill includes provisions regulating the transportation, purchase, sale, housing care, handling and treatment of warmblooded animals used in research or public exhibition. These provisions will insure that the animals are humanely treated, and will set standards to be rigidly maintained.

I urge my colleagues to vote with me for passage of this legislation.

Mr. MATSUNAGA. Mr. Speaker, as one with a longstanding interest in improving the standard of care, handling, and treatment of laboratory and other animals, I strongly support H.R. 19846, the proposed Animal Welfare Act of 1970.

In a number of ways, this legislation will significantly strengthen the existing law. More species of animals will be protected: all warmblooded animals designated by the Secretary of Agriculture, with but a few specific exceptions.

Further, not only animals used by laboratories are covered. Wholesale pet dealers will be required to comply with the law's provisions, as will animal exhibitors, such as zoos, carnivals, and circuses.

Mr. Speaker, this bill marks a giant step toward honoring man's moral commitment to take the best possible care of the animals who serve him. I urge its approval.

Mr. PRICE of Texas. Mr. Speaker, a member of the Subcommittee on Livestock and Feed Grains and as one of the sponsors of H.R. 19846, I commend this legislation to the attention of my colleagues and urge them to approve it forthwith.

This bill, the Animal Welfare Act of 1970, was sponsored by the entire membership of the subcommittee. It represents the product of months of diligent effort and the final blend of various proposals which have been offered on this subject. Many individuals and organizations in and out of government have contributed greatly to this bill, and I think the final committee product demonstrates this fact full well.

Basically, H.R. 19846 amends the present law covering the care of animals used for research experiments, exhibition, or sale as pets. It strengthens the administration of the present law, which Congress enacted in 1966, in four major respects: First, it enlarges the definition of the term "animal" to include additional species. Under present law, protection is provided only to live dogs, cats, rabbits, hamsters, guinea pigs, and non-human primate mammals; namely, monkeys, and so forth. The bill extends the definition to include all warmblooded animals designated by the Secretary of Agriculture, with certain specific limitations and defined exceptions.

Second, Federal regulation is extended to cover exhibitors of animals such as circuses, zoos, carnivals, road shows, and wholesale pet dealers.

Third, animals covered by the act should be accorded, as a matter of law, basic protections such as adequate housing, ample food and water, reasonable handling, decent sanitation, and adequate medical care.

Finally, the Secretary of Agriculture is empowered with greater authority to enforce the provisions of the act, and penalties for criminal violations are increased.

Mr. Speaker, in philosophy, the Animal Welfare Act of 1970 gives legislative flesh to the principle that the humane treatment of dumb animals is not incompatible with the advancement of medical research and development. This bill is eminently worthy of enactment, and I urge my colleagues to give it their wholehearted support.

The SPEAKER. The question is on the motion of the gentleman from Washington (Mr. FOLEY) that the House suspend the rules and pass the bill H.R. 19846, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE TO EXTEND

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the Record on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

#### TRANSFER OF PEANUT ACREAGE ALLOTMENTS

Mr. O'NEAL of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 17582) to amend the peanut marketing quota provisions to make permanent certain provisions thereunder.

The Clerk read as follows:

H.R. 17582

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 358a of the Agricultural Adjustment Act of 1938, as amended, is further amended as follows:*

*(1) Subsection (a) thereof is amended by deleting "1969, and 1970" and inserting in lieu thereof "and succeeding".*

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. O'NEAL of Georgia. Mr. Speaker, this bill comes up under suspension of the rules because it should not be controversial and consequently should not take us very long to dispose of it during this busy week.

While it is of great importance to those of us with a special interest in peanuts, I realize full well that it is not a big thing to most of the Members of the House. Therefore, I intend to be brief and to the point.

Because of legislation that we have twice passed overwhelmingly by suspension of the rules, peanut farmers in the same country have enjoyed the privilege of transferring allotments to each other

